

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By Chairman Diane Rice, on March 9, 2007 at 8:00 A.M., in Room 137 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Diane Rice, Chairman (R)  
Rep. Dave Gallik, Vice Chairman (D)  
Rep. Ron Stoker, Vice Chairman (R)  
Rep. Douglas Cordier (D)  
Rep. Robyn Driscoll (D)  
Rep. Bob Ebinger (D)  
Rep. George Everett (R)  
Rep. Julie French (D)  
Rep. Rick Jore (C)  
Rep. Krayton Kerns (R)  
Rep. Roger Koopman (R)  
Rep. Deborah Kottel (D)  
Rep. Tom McGillvray (R)  
Rep. Jesse O'Hara (R)  
Rep. Ken Peterson (R)  
Rep. Holly Raser (D)

**Members Excused:** None.

**Members Absent:** Rep. John Ward (R)

**Staff Present:** David Niss, Legislative Branch  
Pam Schindler, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 306, SB 83, SB 85, SB 104  
3/6/2007  
Executive Action: None

**HEARING ON SB 85**

**Opening Statement by Sponsor:**

00:01:11 Sen. Trudi Schmidt (D), SD 11, opened the hearing on SB 85, Revise offense of child endangerment.

**Proponents' Testimony:**

00:02:46 Sandra Wells, Physician, Biomedical Researcher,  
University of Montana, Missoula, Montana

**EXHIBIT(juh50a01)**

00:08:18 Pam Bucy, Assistant Attorney General, Department of  
Justice, State of Montana, Board Member, Montana  
Alliance for Drug Endangered Children

**EXHIBIT(juh50a02)**

00:11:46 Craig Campbell, Police Officer, City of Helena,  
Executive Director, Montana Narcotics Officers  
Association, Board Member, Montana Alliance for Drug  
Endangered Children

00:16:48 Harris Himes, Montana Values Alliance

00:17:22 Janie McCall, Montana Children's Initiative Provider  
Program

**Opponents' Testimony:** None

**Informational Testimony:**

00:18:36 Shirley Brown, Division Administrator, Child and Family  
Services, Department of Health and Human Services,  
State of Montana

**Questions from Committee Members and Responses:**

00:21:32 Rep. McGillvray

00:21:39 Ms. Brown

00:21:49 Rep. Koopman

00:23:34 Dr. Wells

00:26:39 Rep. French

00:28:13 Mr. Campbell

00:31:46 Rep. Everett

00:32:21 Sen. Schmidt

00:33:18 Rep. Peterson

00:34:19 Ms. Bucy

00:37:40 Rep. Kottel

00:38:05 Ms. Bucy

00:39:39 Rep. Rice

00:40:01 Ms. Bucy

**Closing by Sponsor:**

00:42:57 Sen. Schmidt

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**HEARING ON SB 83**

**Opening Statement by Sponsor:**

00:43:35 Sen. Trudi Schmidt (D), SD 11, opened the hearing on SB 83, Clarify state role for child placed with non-custodial parent.

**Proponents' Testimony:**

00:45:19 Shirley Brown, Division Administrator, Child and Family Services, Department of Health and Human Services, State of Montana

**EXHIBIT(juh50a03)**

00:52:21 Janie McCall, Montana Children's Initiative Provider Program

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:53:23 Rep. Gallik  
00:54:15 Ms. Brown  
00:57:02 Rep. Stoker  
00:57:47 Ms. Brown  
01:00:00 Rep. French  
01:00:26 Ms. Brown  
01:02:21 Rep. Peterson  
01:03:02 Ms. Brown  
01:05:57 Rep. Kottel  
01:07:24 Ms. Brown

**Closing by Sponsor:**

01:09:59 Sen. Schmidt

01:10:30 Break

01:22:31 Reconvene

**HEARING ON SB 306**

**Opening Statement by Sponsor:**

01:22:52 Sen. Dan Harrington (D), SD 38, opened the hearing on SB 306, Eliminate death penalty.

**EXHIBIT(juh50a04)**

**Proponents' Testimony:**

01:32:05 John C. Sheehy, Former Montana State Insurance Commissioner, Montana State Representative, Montana State Senator, Montana Supreme Court Justice

**EXHIBIT(juh50a05)**

01:37:30 Sen. Roy Brown, SD 25

**EXHIBIT(juh50a06)**

01:42:22 John Connor, Chief Criminal Counsel, Assistant Attorney General, Department of Justice, State of Montana

01:53:06 Betsy Griffing, Legal Program Director, ACLU, Former Chief of the Appellate Bureau, Department of Justice, State of Montana

**EXHIBIT(juh50a07)**

02:00:47 Ed Sheehy Jr., Regional Public Defender, Office of Public Defender, State of Montana, Death Penalty Qualified Attorney

02:03:31 Jeffrey Renz, Professor, School of Law, University of Montana, Missoula, Montana

**EXHIBIT(juh50a08)**

02:11:54 Rep. Joey Jayne, HD 15

02:14:00 Ron Waterman, Attorney

**EXHIBIT(juh50a09)**

02:18:34 Doug Lowney, self

02:18:57 Sue Dubree, Montana Association of Churches

**EXHIBIT(juh50a10)**

02:19:12 Beth Brenneman, Montana Advocacy Program

02:19:21 James Ziegler, self

**EXHIBIT(juh50a11)**

02:19:58 Moe Wosepka, Montana Catholic Conference

**EXHIBIT(juh50a12)**

**EXHIBIT(juh50a13)**

**EXHIBIT(juh50a14)**

02:20:25 Amanda Arnold, Montana Human Rights Network

**EXHIBIT(juh50a15)**

02:20:41 Rev. Brady Vardemann, Montana Association of Churches

**EXHIBIT(juh50a16)**

02:21:13 Bob Kolar, self

**EXHIBITS RECEIVED AT COMPLETION OF PROPONENTS TESTIMONY:**

[EXHIBIT\(juh50a17\)](#)

[EXHIBIT\(juh50a18\)](#)

[EXHIBIT\(juh50a19\)](#)

[EXHIBIT\(juh50a20\)](#)

[EXHIBIT\(juh50a21\)](#)

[EXHIBIT\(juh50a22\)](#)

[EXHIBIT\(juh50a23\)](#)

[EXHIBIT\(juh50a24\)](#)

[EXHIBIT\(juh50a25\)](#)

**Opponents' Testimony:**

02:21:50 Rep. Janna Taylor, self, also for former Sen. Ethel  
Harding

02:27:48 Harris Himes, Montana Values Alliance

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:43:28 Rep. French  
02:44:20 Mr. Waterman  
02:48:29 Rev. Vardemann  
02:51:09 Rep. McGillvray  
02:51:13 Rep. French  
02:51:16 Rep. Kottel  
02:53:00 Mr. Connor  
02:56:48 Rep. O'Hara  
02:57:09 Mr. Connor  
02:59:47 Rep. McGillvray  
03:00:02 Mr. Connor  
03:01:13 Rep. Koopman  
03:03:25 Mr. Connor  
03:09:25 Sen. Brown  
03:13:58 Mr. Renz  
03:16:56 Rep. Kottel  
03:17:26 Mr. Sheehy, Jr.  
03:25:32 Mr. Himes  
03:29:49 Rep. Cordier  
03:30:43 Mr. Waterman  
03:36:28 Rep. Peterson  
03:38:01 Mr. Connor  
03:45:20 Rep. Raser  
03:45:58 Mr. Connor  
03:48:21 Ms. Griffing  
03:51:03 Rep. Gallik  
03:51:43 Mr. Renz

03:52:01 Mr. Sheehy, Jr.  
03:53:10 Mr. Renz  
04:01:19 Rep. Rice  
04:01:34 Mr. Connor

**Closing by Sponsor:**

04:03:50 Sen. Harrington

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**HEARING ON SB 104**

**Opening Statement by Sponsor:**

04:09:43 Sen. Carolyn Squires (D), SD 48, opened the hearing on SB 104, Extend statute of limitations for certain sex crimes.

**Proponents' Testimony:**

04:13:48 Pam Bucy, Assistant Attorney General, Department of Justice, State of Montana

**EXHIBIT(juh50a26)**

04:15:28 Jennifer Hill-Hart, Montana Coalition Against Domestic and Sexual Violence

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

04:16:21 Rep. Koopman  
04:17:18 Ms. Bucy  
04:18:11 Rep. Peterson  
04:18:32 Ms. Bucy  
04:20:32 Rep. Kottel  
04:21:29 Ms. Bucy

**Closing by Sponsor:**

04:21:45 Sen. Squires

**ADJOURNMENT**

Adjournment: 12:24 P.M.

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REP. DIANE RICE, Chairman

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PAM SCHINDLER, Secretary

DR/ps`

Additional Exhibits:

**EXHIBIT ([juh50aad.pdf](#))**